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GENERAL AND COMPLETE DISARMAMENT: PROHIBITION OF ATTACKS ON NUCLEAR FACILITIES

Report of the Secretary-General

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I. INTRODUCTION

1. On 4 December 1990, the General Assembly adopted resolution 45/58 J entitled "Prohibition of attacks on nuclear facilities", the operative part of which reads as follows:

> "The General Assembly,
>
> "...
>
> "1. Recognizes that an armed attack or a threat of armed attack on a safeguarded nuclear facility, operational or under construction, would create a situation in which the Security Council would have to act immediately in accordance with the provisions of the Charter of the United Nations, including measures under Chapter VII;
>
> "2. Encourages all States to be ready to provide immediate peaceful assistance in accordance with international law to any State, if it so requests, whose safeguarded nuclear facilities have been subjected to an armed attack, and calls upon all States to abide by any decisions taken by the Security Council in accordance with the Charter in relation to the attacking State;
>
> "3. Appeals to States that participate in the Conference on Disarmament to overcome their differences, and urges the cooperation of all States for the successful resolution of this issue in the near future;
>
> "4. Calls upon all States that have not done so to become parties to Additional Protocol I of 1977 1/ to the Geneva Conventions of 12 August 1949 2/ and upon all States parties to that Protocol to consider, in the context of a possible diplomatic conference, how to improve the present regime with regard to the protection of nuclear facilities;
>
> "5. Notes that States, in their mutual interest, have adopted confidence-building measures, in a bilateral or regional framework, designed to promote the aim of protecting nuclear facilities, taking into account the specific characteristics of each region, and recognizes that other States may adopt similar measures, where appropriate;
>
> "6. Appeals to all States to take into account, when reviewing their military policies, the danger of radioactive releases potentially resulting from an attack on a nuclear facility;

1/ United Nations, Treaty Series, vol. 1125, No. 17512.

2/ Ibid., vol. 75, Nos. 970-973.

"7. Requests the Secretary-General to report on the subject to the General Assembly at its forty-sixth session."

2. Pursuant to the request contained in paragraph 7 of the resolution, the Secretary-General wishes to report that the Conference on Disarmament considered the issue at its 1991 session under its agenda item 7, entitled "New types of weapons of mass destruction and new systems of such weapons; radiological weapons". A detailed account of the subject considered by the Conference on Disarmament is contained in section II of the present report.

3. In 1991, the International Atomic Energy Agency (IAEA) also considered the issue under its agenda item entitled "Prohibition of all armed attacks against nuclear installations devoted to peaceful purposes whether under construction or in operation". The relevant part of the report of the Director General of IAEA is contained in section III.

II. REPORT OF THE CONFERENCE ON DISARMAMENT ON THE SUBJECT OF RADIOLOGICAL WEAPONS

4. The Conference on Disarmament, at its 1991 session, re-established the Ad Hoc Committee on Radiological Weapons with a view to reaching agreement on a convention prohibiting the development, production, stockpiling and use of radiological weapons. In carrying out its task, the Ad Hoc Committee decided to continue the same method of work adopted at the previous sessions, that is, that Contact Group A would continue to consider the prohibition of radiological weapons in the "traditional" sense and that Contact Group B would continue to consider issues relevant to the prohibition of attacks against nuclear facilities. The report of Contact Group B and its attachment is reproduced as an annex to the present report.

III. REPORT OF THE DIRECTOR GENERAL OF THE INTERNATIONAL ATOMIC ENERGY AGENCY

5. Pursuant to General Conference resolution GC(XXXIV)/Res/533 of 1990, the Director General of IAEA in 1991 submitted a report to the General Conference under item 11 (e) of the provisional agenda, entitled "Prohibition of all armed attacks against nuclear installations devoted to peaceful purposes whether under construction or in operation", as contained in document GC(XXXV)/INF/297. Paragraph 8 of the report reads as follows:

"8. The relevance of current consideration of this subject was shown in 1991 by attacks on nuclear installations in Iraq and by the reported threat of attacks on the Krsko nuclear power plant in Yugoslavia.

"(a) During the United Nations-authorized military action against Iraq following Iraq's occupation of Kuwait, some nuclear installations in Iraq were bombed. The Director General referred to this in the Board last February. The Board did not discuss the matter at that time and has not done so subsequently from the point of the view of the General Conference resolution under consideration.

"(b) Following expressions of international concern for the security of the Krsko nuclear power plant, the Acting Director General, in a letter of 4 July 1991 to the President of Yugoslavia, asked for confirmation that all necessary precautions had been taken to ensure that no hostile action against the Krsko plant or military action in its immediate vicinity could endanger its integrity and safety. In a letter of 8 July 1991 the Yugoslav Ministry of Foreign Affairs stated that the inviolability and safety of the Krsko nuclear power plant was a continuing and undiminished concern of the Yugoslav Government and of other appropriate authorities. There has been no reported evidence of damage to the power plant. It may be mentioned, in this connection, that Yugoslavia is a party (since 1979) to Protocol II additional to the Geneva Conventions of 12 August 1949, article 15 of which prohibits attacks on 'works or installations containing dangerous forces, namely dams, dykes and nuclear electrical generating stations' if such attacks may cause 'the release of dangerous forces and consequent severe losses among the civilian population'."

ANNEX

Report of Contact Group B of the Ad Hoc Committee on Radiological Weapons of the Conference on Disarmament*

1. In accordance with the decision taken by the Ad Hoc Committee on Radiological Weapons at its 1st meeting on 25 February 1991, Contact Group B was re-established to continue consideration of the issues relevant to the prohibition of attacks against nuclear facilities.

2. Contact Group B held eight meetings from 18 March to 12 August 1991. In addition, the Coordinator held a number of informal consultations with delegations.

3. According to guidelines set out during the 1st meeting of the Ad Hoc Committee, Contact Group B used as a basis for its substantive work the Coordinator's record as contained in the report of the Ad Hoc Committee to the Conference on Disarmament in 1990 (CD/1027, annex II, attachment). The Contact Group reviewed the possible elements relevant to the prohibition of attacks against nuclear facilities contained therein. A number of modifications were made to the Coordinator's record, focused mainly on the questions of register and verification and compliance.

4. The amended Coordinator's record is attached to the report and reflects the current stage of the Contact Group's consideration of the question.

5. The Coordinator's record is not binding upon any delegation and its main purpose is to facilitate future consideration. It is recommended that it be appended to the Ad Hoc Committee's report to the Conference on Disarmament, as a basis for future work.

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* CD/1099, annex II.

ATTACHMENT

Possible elements relevant to the prohibition of attacks against nuclear facilities a/, b/

I. SCOPE

Paragraph 1

First alternative

Each State Party undertakes never under any circumstances to attack nuclear facilities covered by this Treaty.

Second alternative

Each State Party undertakes never under any circumstances to attack or to threaten to attack any nuclear facility.

Third alternative c/

Each State Party undertakes never under any circumstances to release and disseminate radioactive substances by attacking nuclear facilities covered by this Treaty.

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a/ This record does not prejudice the eventual positions of delegations relating to the question of "linkage", or the positions of delegations on the question of the need of having additional legal protection for nuclear facilities. As to the latter, the view was expressed that additional discussion on existing international agreements pertaining to the question was needed.

b/ One delegation stated that, apart from the fact that the elements listed were controversial, the third alternative under Scope, paragraph 1, of the Definitions and the sections on Criteria and Special Marking were not essential to the elaboration of a convention. The section on Special Marking could have been recast within the section on Register. That was not, however, the case of the other elements mentioned, particularly the section on Criteria, which, in its opinion, seemed incompatible with the rule of jus cogens in Article 2, paragraph 4, of the Charter of the United Nations.

c/ Some delegations stated that the third alternative of Scope based on the criterion of mass destruction read in conjunction with the first alternative of paragraph 2 of Definitions, paragraph 1 of Criteria, paragraphs 1 to 3, the first alternative of paragraph 4, paragraphs 5 and 6 of Register as well as Special Marking in paragraph 1 under Other Main Elements constitute one complete and consistent set of elements to be included in a draft treaty.

Paragraph 2

Each State Party undertakes not in any way to assist, encourage or induce any person, State, group of States, or international organization to act in contravention of this Treaty.

II. DEFINITIONS

Paragraph 1

For the purposes of this Treaty, the term "attack" means any act by a State which is designed to cause or causes, directly or indirectly:

(i) Any damage to, or the destruction of, a nuclear facility; or

(ii) Any interference, interruption, impediment, stoppage or breakdown in the operation of a nuclear facility; or

(iii) Any injury to, or the death of, any of the personnel of a nuclear facility.

Paragraph 2

First alternative

For the purpose of this Treaty, the term "nuclear facilities" means: d/

(i) Nuclear reactors;

(ii) Intermediate spent fuel storages;

(iii) Reprocessing plants;

(iv) Waste deposits, including temporary waste storages;

(v) Installations for production or use of important and intensive sources of gamma radiation; e/

which are included in a Register maintained by the Depositary.

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d/ The suggestion was made to add two further categories after "(iii) Reprocessing plants", namely: (iv) Nuclear fuel processing plants; and (v) Uranium enrichment plants.

e/ The view was expressed that this provision should be further refined.

Second alternative

A nuclear facility means a nuclear reactor or any other facility for the production, handling, treatment, processing or storage of nuclear fuel or other nuclear material.

III. CRITERIA

Paragraph 1

The nuclear facilities mentioned in paragraph 2 of Definitions shall meet the following specifications: f/

(i) They shall be stationary on land; g/, h/

(ii) Nuclear reactors; designed for a thermal power which could exceed 1 [10] Megawatt, shall have reached their first criticality and shall not have been decommissioned;

(iii) Intermediate spent fuel storages; designed for storing radioactive material exceeding 10^{17} [10^{18}] Bq;

(iv) Reprocessing plants; designed for containing radioactive material exceeding 10^{17} [10^{18}] Bq;

(v) Waste deposits: containing radioactive material exceeding 10^{17} [10^{18}] Bq;

(vi) Installations for production or use of intensive sources of gamma radiation: designed to contain radioactive material whose gamma-radiation-dissipated power is equal to or greater than 6×10^{16} [10^{17}] Bq x MeV.

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f/ The view was expressed that nuclear facilities mentioned in paragraph 2 of Definitions should be used for peaceful purposes and subject to IAEA safeguards.

g/ The view was expressed that nuclear facilities stationed in territorial waters and the exclusive economic zones should also be considered.

h/ The view was expressed that such nuclear facilities should not belong to weapons systems.

Paragraph 2

Additional specification suggested to the above specifications:

Nuclear facilities mentioned in paragraph 2 of Definitions which are under the safeguards of the International Atomic Energy Agency are covered by the provision of this Treaty.

IV. REGISTER

Paragraph 1

The Depositary shall establish, on the basis of initial communications by States Parties, as set out in paragraph 2 below, a comprehensive Register of nuclear facilities covered by this Treaty, and shall maintain this Register on the basis of subsequent communications on changes, as set out in paragraph 5 below.

Certified copies of the Register shall be transmitted to each State Party ... days after entry into force of the Treaty.

Certified copies of the Register in its entirety including all modifications shall be transmitted to each State Party at intervals of ... and be available to States Parties at any time in the offices of the Depositary.

Paragraph 2

States Parties requesting that nuclear facilities under their jurisdiction be included in the Register shall for each such facility communicate to the Depositary the following written information:

(a) Identification of the type of nuclear facility;

(b) Detailed specifications in accordance with paragraph 1 of Criteria of this Treaty;

(c) Details on the exact geographical location of the nuclear facility.

Paragraph 3 i/

Upon receipt of a request for an inclusion in the Register, the Depositary shall without delay initiate procedures to confirm that the information contained in the request is correct:

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i/ The view was expressed that this provision called for further discussion.

(a) Through, to the extent possible, documentation from the International Atomic Energy Agency; and/or

(b) Through other means, including a mission to the facility, when necessary.

For the purpose of carrying out the procedures in paragraph 3 (a) above the Depositary may, as it deems necessary, enter into agreement with the International Atomic Energy Agency.

For the purpose of carrying out the procedures in paragraph 3 (b) above the Depositary shall, with the cooperation of States Parties to the Treaty, compile and maintain a list of qualified experts, whose services could be made available to undertake such missions.

Paragraph 4

First alternative

The Depositary shall include the facility in the Register as well as the information required by paragraph 2 of this section, as soon as the information given in the request has been confirmed according to paragraph 3 above, and shall immediately notify States Parties to the Treaty of the aforesaid inclusion.

Second alternative

The Depositary shall include the facility in the Register as well as the information required by paragraph 2 of this section and shall immediately notify States Parties to the Treaty of the aforesaid inclusion.

Paragraph 5

A State Party shall inform the Depositary, within ... days/months, of any change in the information it had provided for inclusion in the Register. Upon the receipt of such information, the Depositary shall act, mutatis mutandi, in accordance with the procedures outlined in paragraphs 3 and 4 of this section.

Paragraph 6 j/

The costs for implementing these procedures shall be borne by the requesting State.

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j/ There was general agreement that the modalities as well as the placement of this provision should be further discussed.

V. VERIFICATION AND COMPLIANCE

Paragraph 1

States Parties to this Treaty shall make every possible effort to consult one another and to cooperate in solving any problems which may be raised in relation to the objectives of, or in the application of the provisions of, the Treaty.

Paragraph 2

A State Party may lodge a complaint with the Depositary in case it believes that any other State Party is in breach of obligations deriving from this Treaty. Such complaint shall include all relevant information and all possible evidence supporting the validity of the complaint.

Paragraph 3

First alternative

Within ... days of the receipt of a complaint from any State Party the Depositary shall initiate an investigation to ascertain facts relevant to the complaint. Such an investigation may include a fact-finding mission to or at the site of the nuclear facility concerned and to any other site as may be appropriate. The fact-finding mission shall submit its findings to the Depositary within ... days.

Second alternative

Within ... days of the receipt of a complaint from any State Party the Depositary shall initiate an investigation to ascertain facts relevant to the complaint. Such an investigation shall include a fact-finding mission to or at the site of the nuclear facility concerned and to any other site as may be appropriate. The fact-finding mission shall submit its findings to the Depositary within ... days.

Paragraph 4

For purposes of carrying out a fact-finding mission the Depositary shall maintain a list of qualified experts, selected on as wide a geographical basis as possible, whose services may be available to undertake such missions.

Paragraph 5

States Parties undertake to cooperate in carrying out the investigation which the Depositary may initiate on a complaint received from any State Party. The Depositary shall inform the States Parties of the results of the investigation. A copy of the report on the investigation shall be transmitted also to the Security Council and the General Assembly of the United Nations.

Paragraph 6

First alternative

The Depositary shall, upon request of a State Party, convene the Conference of States Parties to consider the report on the investigation as well as possible courses of action.

Second alternative

The Depositary shall immediately convene the Conference of States Parties to consider the report on the investigation and to adopt such measures as may be appropriate.

Paragraph 7

First alternative

The continuing application of IAEA safeguards at a nuclear facility will form an essential part of the arrangements to verify that the facility is a peaceful nuclear facility within the meaning of the Treaty. k/, l/

Second alternative

The determination that a facility is and remains a peaceful nuclear facility within the meaning of the Treaty shall be made by the application of IAEA safeguards. k/, l/

Third alternative

The application of IAEA safeguards to a nuclear facility shall be of no relevance to the verification of compliance with obligations assumed by States Parties to this Treaty.

VI. OTHER MAIN ELEMENTS

Paragraph 1

A State Party may mark its nuclear facilities included in the Register with Special Marking.

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k/ It was stated that the application of IAEA safeguards was irrelevant to the objectives of this Treaty and that if anyway addressed, the issue belonged under the provisions for inclusion in the Register.

l/ The view was expressed that the application of IAEA safeguards could not verify that a nuclear facility was a peaceful one but rather that nuclear material remained in peaceful use.

Paragraph 2 m/, n/, o/

States Parties undertake to provide or support assistance to any State Party harmed as a result of the violation of the Treaty.

Paragraph 3

Provisions of this Treaty are without prejudice to the obligations of States Parties undertaken in other international instruments relevant to the subject of this Treaty.

Paragraph 4

The Secretary-General shall be designated as Depositary of this Treaty.

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m/ The view was expressed that the obligation of States Parties to provide assistance was limited to the radiological damage caused by an attack.

n/ The view was expressed that the assistance to be provided or supported to any harmed State Party should not be limited to cases of violations by States Parties, but should also cover harm inflicted by attacks from States not party to the Convention.

o/ The view was expressed that there should be no mandatory obligation of States Parties to provide assistance.

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SPECIAL ECONOMIC AND DISASTER RELIEF ASSISTANCE: SPECIAL PROGRAMMES OF ECONOMIC ASSISTANCE

Assistance for the reconstruction and development of Lebanon

Report of the Secretary-General

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I. INTRODUCTION

1. The present report is submitted to the General Assembly pursuant to resolution 45/225 of 21 December 1990 on Assistance for the Reconstruction and Development of Lebanon. It provides a brief description of the progress made in the implementation of that resolution in Lebanon between 1 August 1990 and 31 July 1991.

II. GENERAL SITUATION

2. During the period under review, Lebanon has witnessed profound changes which have improved prospects for national reconstruction.

3. Although the Taif accords were adopted in October 1989, it was only a year later that Lebanon was able to proceed with a programme of national reconciliation leading to political and constitutional reform. Later that year, Beirut was unified; the militias departed from Beirut and a 30-member national unity cabinet was formed.

4. In March 1991, the Lebanese National Assembly ratified the Charter for National Reconciliation and drew up a plan for the dissolution of the militias. The decision of the three major Lebanese militias to comply with the government order to disband raised the first real hopes that local, regional and international conditions may be leading towards the resolution of the situation.

5. In the light of these developments, the Government of Lebanon has started to address issues related to rehabilitation and reform of its infrastructure. In early 1991, it appointed a new Board of the Council for Development and Reconstruction (CDR), with the aim of preparing for and reactivating reconstruction activities. Originally established in 1977, the Council had been virtually dormant since 1987. Under the new Board, it is expected to establish extensive plans for reconstruction and development and make proposals for seeking suitable financial resources. In March 1991, a national budget was adopted for the first time in five years and the Government established a Higher Committee for Economic Coordination to deal with economic policy.

6. By mid-1991 the Government had started to address the key issues of fiscal authority and reform including that of the public sector. Central authority has been re-established over ports, public buildings and utilities. Tax collection has resumed and a policy of currency stabilization has brought about the gradual improvement of the Lebanese pound's exchange value. The value of Lebanese pound had slipped to LL 1,132 per United States dollar in February 1991, by the end of June 1991, it stood at an average of LL 900 per United States dollar, and continues to improve.

7. Despite these positive events, the current difficulties facing Lebanon remain arduous and urgent. The magnitude of destruction has displaced an estimated one third (900,000) of the population of the country. Another estimated 400,000 people face hardship because they are unable to meet even their most basic needs for shelter, food, clothing, education and health services. Unemployment is estimated to be as high as 30 per cent and inflation at over 60 per cent. Emergency and humanitarian assistance is needed for the rehabilitation of thousands of handicapped persons, orphans and the aged. There has been a crucial breakdown of the administrative infrastructure, affecting electricity networks, water supply, sewage and solid waste disposal, telecommunications, and transport. Conservative estimates put the cumulative damage sustained by Lebanon during the past 16 years at a minimum of $US 25 billion. Comprehensive reconstruction and development of the country will cost a great deal more.

8. The crisis in the Gulf in August 1990 has further aggravated Lebanon's economic and social problems. It affected the flow of aid, remittances and trade on which Lebanon had become dependent during its long civil war. It assumed special significance when it adversely affected the creation of the International Fund for Assistance to Lebanon (IFAL) provided for under the Taif Agreement, which would have transferred $US 2 billion as financial assistance for reconstruction. The activation of IFAL will be a powerful incentive for activating the reconstruction and development process in Lebanon.

9. At present, the Government's foremost task is to consolidate national authority. The successful deployment of the Lebanese Army in Sidon and its surrounding area and in Tyre, completed by the end of July 1991, enhanced the credibility of the Government. The Government's main concern is the liberation of Lebanese territory and, in this connection, considers the implementation of Security Council resolution 425 (1978) as essential for it to exercise its authority over all Lebanese territory. Clearly, the creation of a stable economic and social environment is necessary for national reconstruction and the most important element in this context is the consolidation of national security.

III. ROLE OF THE UNITED NATIONS

10. During the period under review, the United Nations maintained a minimum presence of senior personnel and continued core activities related to humanitarian assistance. Besides the programme of United Nations Assistance for the Reconstruction and Development of Lebanon (UNARDOL), United Nations organizations and specialized agencies, namely, the United Nations Children's Fund (UNICEF), the United Nations Development Programme (UNDP), the United Nations Relief and Works Agency (UNRWA), the Office of the United Nations Disaster Relief Coordinator (UNDRO), the World Food Programme (WFP), the Food and Agriculture Organization of the United Nations (FAO) and the World Health Organization (WHO), have conducted operational activities under the supervision of their respective senior personnel in Lebanon. The Office of the United Nations High Commissioner for Refugees (UNHCR) restaffed its branch

office in early 1991. The United Nations Information Centre was operational but with local staff only.

11. The United Nations Interim Force in Lebanon (UNIFIL) in southern Lebanon continued, as in the past, to provide humanitarian assistance on an ad hoc basis in its area of operation to alleviate emergency needs. These humanitarian activities included distribution of food, medicaments and blankets, medical assistance and emergency transportation to the local population.

12. As called for under General Assembly resolution 45/225, the Under-Secretary-General for Political and General Assembly Affairs and Secretariat Services coordinates the system-wide economic assistance programmes for Lebanon through UNARDOL and provides overall policy guidelines. At United Nations Headquarters, he has organized and conducted the Inter-Agency Working Group on Lebanon, comprising the different United Nations specialized agencies and programmes in Lebanon, to monitor the changing political environment and review the mobilization of assistance to help Lebanon in its reconstruction and development efforts.

13. Until late 1990, the United Nations system concentrated its efforts on providing emergency assistance to victims of the civil war and other vulnerable groups, coordinating its efforts through UNARDOL, with UNDRO, UNICEF, and WHO, especially for food aid and medical assistance. Important assistance has been provided by non-governmental organizations in these fields.

14. As noted earlier, since the beginning of 1991, attention has been directed towards reactivating reconstruction and development efforts. After several meetings of the Inter-Agency Working Group, it was agreed that the security situation in Lebanon should be reviewed and, in May 1991, such a review was undertaken. This enabled the Secretary-General to relax the security constraint from Phase V (evacuation) to Phase I (precautionary, with restrictions).

15. Following this, the Under-Secretary-General of Political and General Assembly Affairs, in his capacity as Coordinator for UNARDOL, dispatched an Inter-Agency Needs Assessment Mission to Lebanon from 14 to 24 July 1991, to undertake an assessment of the country's reconstruction and development requirements. Seventeen organizations and specialized agencies of the United Nations participated and covered a wide range of expertise available in the Organization. The mission comprised experts from UNARDOL, the Department of Technical Cooperation for Development of the Secretariat, the Economic and Social Commission for Western Asia (ESCWA), UNICEF, UNDP, UNRWA, UNDRO, UNHCR, WFP, the International Labour Organisation (ILO), FAO, the United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Civil Aviation Organization (ICAO), WHO, the World Bank, the International Telecommunications Union (ITU) and the United Nations Industrial Development Organization (UNIDO). The lead agency was UNDP led by Dr. Mohamed A. Nour, Assistant Administrator and Regional Director of the Regional Bureau for Arab States and Europe.

16. The Mission received the full cooperation of the Government of Lebanon and worked closely with the Council for Development and Reconstruction (CDR). Access to all government authorities was provided to the mission team as well as meetings with representatives of the private sector and non-governmental organizations. The mission representatives received the cooperation of the United Nations Interim Force in Lebanon (UNIFIL) and United Nations Truce Supervision Organization in Palestine (UNTSO) and had the opportunity to undertake field visits around the country. At the close of the reporting period, the Inter-Agency Mission had just returned from Lebanon and its report, under preparation, will be finalized for submission to the Secretary-General for further action.

United Nations Assistance for Reconstruction and Development of Lebanon

17. While economic assistance to Lebanon by the United Nations is managed at the central level by the Office of the Under-Secretary-General for Political and General Assembly Affairs, at the field level, UNARDOL functions as the United Nations coordinator's office and ensures coordination of the United Nations system activities in support of the Government's objectives and programmes. United Nations specialized agencies and programmes have continued to implement a range of assistance projects within their respective areas of competence.

18. During the period under review, UNARDOL held regular meetings of the joint coordinating committee of the United Nations agencies and programmes and continued to administer the United Nations security system and arrangements in Lebanon through monthly security meetings of chiefs of missions and programmes in liaison with the Chief, Observer Group Beirut, UNTSO. It regularly convenes meetings of the Donor Coordination Committee which includes local representatives of the main bilateral and multilateral donors, to review their response to and assessment of the 1990 emergency. The proper functioning of this Committee is contingent upon the resumption of normal operations by the main donor countries and agencies in Lebanon.

19. Contact with the private sector and the non-governmental organizations was maintained and promoted throughout this period to explore opportunities for assistance and development. In particular, UNARDOL participated in the National NGO Conference of the Lebanese NGO Forum in February 1991 at Beirut. It also actively participated in the follow-up conference organized by the International Peace Research Conference on Lebanon, held at UNESCO headquarters in Paris in May 1991.

20. UNARDOL continued to manage and implement the UNDRO programme in Lebanon as reported below, provided information for UNDRO situation reports, and assisted with and participated in the UNDRO donor information meeting held at Geneva in November 1990.

21. Close collaboration and active participation in the activities of the UNDP was maintained and UNARDOL provided technical and substantive support in the various aspects of the implementations of its programmes. Activities included identification, formulation, evaluation, development and management of developmental issues. It also prepared studies and organized workshops.

22. UNARDOL continued to maintain close contact with the national authorities, in particular the Ministry of Foreign Affairs and the Council for Development and Reconstruction. Since the appointment of the New Board of the Council for Development and Reconstruction, a good working relationship has been established in support of the work of the Council in meeting the needs for reconstruction assistance. This was reflected in the organization of a programme for the visiting United Nations Inter-Agency Needs Assessment Mission to Lebanon at the end of the present reporting period.

United Nations Children's Fund

23. After 16 years of civil war, Lebanon is now faced with the massive task of reconstruction and development. To this end, UNICEF is finalizing with the Government of Lebanon a five-year Programme of Cooperation (1992-1997) that will be submitted to its Executive Board in 1992.

24. The situation for women and children in Lebanon remains difficult. An estimated 400,000 people face hardships which include lack of shelter, food, clothing and health services, and close to 900,000 people remain displaced. Using 1990 figures, infant mortality rate (IMR) is 35 per 1,000 and under 5 mortality rate (U5MR) stands at 51 per 1,000.

25. In the health sector, UNICEF provides assistance to the Expanded Programme of Immunization (EPI), the Control of Diarrhoeal Diseases (CDD), and the Essential Drugs Programme (EDP). In August 1991, the Government of Lebanon banned the free distribution of infant formula, and a National Committee for the promotion of breast-feeding was established.

26. UNICEF continues to provide essential drugs for 725 dispensaries serving a monthly average of 80,000 patients. Supplies were provided to seven government hospitals and a project to equip and train handicapped children was organized.

27. UNICEF was able to attain its goal for Universal Childhood Immunization (UCI) despite the war, because of the "Days For Peace", agreement which accorded three days of tranquillity with a cessation of hostilities to enable UNICEF to carry out its campaign. A National Survey undertaken in 1991, revealed that 82 per cent of children under one year of age had received three doses of triple vaccine/polio (DPT/OPV). A disease surveillance system has been set up by the Ministry of Health. In addition, almost 300,000 oral rehydration salts (ORS) packets were distributed through the essential drugs and immunization storage centres.

28. In the water-supply sector, UNICEF undertook major repairs and rehabilitation. This allowed for the re-establishment of about 60 per cent of the normal water distribution in the city of Beirut. The regular maintenance and improvement of the national water supply also continued under a $US 3.1 million project funded by the Federal Republic of Germany. There are at present, 45 projects serving 700,000 people. Water testing quality surveys have helped in places with major outbreaks of diarrhoea.

29. In the education sector, UNICEF is working closely with the Ministry of Education in the development of a new educational system and policies which are in the process of being formulated over the next six months.

30. The Education for Peace Programme continues to grow. To date, almost 100,000 children have been covered. The Government of Lebanon has officially adopted the non-formal programme. Evaluation and needs assessment activities will be undertaken. The special children's magazine, SAWA, continues to be distributed to 70,000 children every six weeks.

31. The Government of Lebanon participated, at a high level in the World Summit for Children which was held in September 1990 at the United Nations, New York. It signed the World Declaration on the Survival, Protection and Development of Children (A/45/625, annex), and ratified the Convention on the Rights of the Child (General Assembly resolution 45/104 of 14 December 1990, annex).

United Nations Development Programme

32. The reporting period August 1990 to July 1991 was characterized by the consolidation of national unity, the gradual restoration of peace and security in Lebanon and the increasing establishment of the Government's authority. These positive developments have greatly enhanced the operational environment for United Nations development activities and were conducive to stepping up UNDP technical cooperation activities for the reconstruction and development of Lebanon.

33. UNDP led the United Nations Inter-Agency Needs Assessment Mission held in July 1991. The mission's findings and recommendations are expected to form the basis for full-scale reactivation of technical assistance in support of the Government's efforts in the challenging task of reconstruction and development while also providing the framework for the elaboration of the UNDP Country Programme covering the Fifth indicative planning figure (IPF) Cycle (1992-1996).

34. UNDP activities during the past year concentrated on identification, formulation and approval of a limited number of priority projects in addition to the management of ongoing project execution.

35. Resources approved from IPF by the end of this period amount to approximately $US 4.3 million and cover 14 operational projects, most of which

are executed by national project directors and National Project Professional Personnel (NPPP). These projects support the Government's priority development efforts in three areas - (i) general development issues, policy and planning; (ii) agriculture, forestry and fisheries; and (iii) transport and communications - and are summarized below.

A. General development issues policy and planning

1. The National Accounts Study

36. The final report was completed and distributed early in 1991 and was enthusiastically received by the Government, the United Nations system, IMF and the World Bank. In addition to providing UNDP with the 1988 GNP per capita estimates for the adjustment of Lebanon's illustrative IPF figure for the Fourth Cycle and the determination of the Fifth IPF Cycle, as per Governing Council decision 88/31, the study identified a number of major gaps which need to be addressed in order to develop Lebanon's statistical base and a fully fledged national accounts system. Project activities were extended in order to extrapolate the GDP estimates for 1989 and 1990.

2. Umbrella fellowships

37. Human resources development continues to be addressed through sponsorship of national participation in multidisciplinary training courses, study tours and workshops. Fellowships were awarded to government officials for training/consultations in safe water supply and the environment while further training is planned for September 1991 in traffic regulation and energy.

3. Institutional development of non-governmental organizations

38. In support of the important innovative role played by the non-governmental organization community as "partners in development", a national consultant submitted a comprehensive report on non-governmental organizations in Lebanon with special reference to indigenous non-governmental organizations. The report will form the basis for future UNDP activities in this area.

B. Agriculture, forestry and fisheries

39. With regard to the seven UNDP-financed projects executed by FAO, paragraph 68 below contains more details. Four of these projects were completed in 1990 and it is important to note that despite the prevailing security situation, they were all able to achieve their immediate objectives. Two projects have been approved in the second quarter of 1991 - food hygiene control, and rehabilitation of the Ministry of Agriculture. The former

project will address the urgent issue of food contamination, which is a hazard to the environment and a threat to public health while the latter project addresses the institutional development of the Ministry of Agriculture with a view to reinforcing its capacity through human resource development.

C. Transport and communications

1. Rehabilitation of civil aviation infrastructure

40. As an expression the firm support and commitment of UNDP towards the rehabilitation and development of Beirut International Airport, urgent civil aviation requirements were the subject of an ICAO needs assessment mission in December 1990 for which a large-scale project on reactivation of civil aviation facilities and services was approved by UNDP during the second quarter of 1991.

2. Telecommunications training

41. A limited number of fellowships were granted to government personnel in various telecommunication disciplines. Similarly, within the scope of the UNDP regional project Modern Arab Telecommunication Network (MODARABTEL), government officials participated in workshops and symposiums in the field of telecommunications.

42. In addition to national and regional project activities, UNDP also utilized its new local financing mechanism, Development Support Services, to finance the following activities during the reporting period:

(a) A study on "Environmental Management" prepared in support of global themes of priority nature. The study provided an information base, the first of its kind on the state of the environment in Lebanon, as well as a framework and guidelines for short- and medium-term action. The study was the subject of a UNDP-organized workshop which identified priority issues regarding environment and sustainable development in the country. Through this study, UNDP also assisted the Government in preparing the national report for the 1992 United Nations Conference on Environment and Development;

(b) Three other reports were also prepared and financed through this mechanism: report on the role and potential of non-governmental organizations in the development of Lebanon; report on the use and management of water resources; and report on the review of technical assistance projects in Lebanon (1977-1991).

United Nations sectoral missions

43. In addition to regular UNDP programming, UNDP helped facilitate other United Nations missions such as the UNESCO Assessment Mission that was fielded during the second quarter of 1991. Education, cultural heritage and restoration of archaeological sites were considered among urgent priorities requiring international assistance.

Project proposals under consideration

44. Several other potential projects are under consideration in such areas as technical education, olive culture, forestry, institutional development of non-governmental organizations, manpower development of the Central Bank, Rehabilitation of the National Statistical Services, international assistance to save Tyre and UNDP/World Bank macroeconomics assessment. Other priority project ideas include administrative reform, reform of the banking sector, waste management and vocational training.

Regional programme

45. As part of UNDP assistance to countries affected by the Gulf crisis, an update was prepared on the "Impact of the Gulf War on the Lebanese Economy" in the context of the UNDP Special Programme for Countries Most Affected by the Gulf Crisis (SPGC). As a first step in addressing Lebanon's economic needs, a consultant in international trade is expected to be sent shortly while consultants will also be provided through the regional project on Arab migration once it is formally endorsed. In terms of other regional projects, a mission was undertaken by the Arab Gulf Fund for United Nations Development Activities (AGFUND) and the International Planned Parenthood Foundation (IPPF) during the third quarter of 1991 to discuss with government authorities the possibility of hosting the UNDP regional project "Research and Training Centre - Women, the Family and Development" in Lebanon.

Reactivation of activities of the United Nations Population Fund

46. It is expected that two UNFPA-financed project proposals relating to Midwife Training in family planning, and population and housing database will be the subject of formulation missions in the next few months.

Fortieth anniversary of the United Nations Development Programme

47. On the occasion of its fortieth anniversary, UNDP prepared a booklet entitled "Lebanon and UNDP 40 Years of Partnership that Inspires Rejuvenation".

United Nations Relief and Works Agency

48. A brief summary of major projects and operations carried out by UNRWA in Lebanon during the reporting period is set out below. A more comprehensive review of UNRWA activities in Lebanon is contained in the Commissioner-General's annual report to the General Assembly. 1/

49. Under normal circumstances, UNRWA provides services only to Palestine refugees, but in view of the situation prevailing in Lebanon the Agency continued to extend emergency assistance to the entire Palestinian community. It also actively participated with other United Nations agencies and international relief organizations in activities to provide assistance to the Lebanese population in general, notably by extending services to needy Lebanese living in proximity to poor Palestinians.

50. During the 1990/91 school year, the 77 UNRWA schools in Lebanon provided education to 34,000 pupils in the first 10 years of the education cycle. In addition, some Lebanese children were taken into UNRWA schools where spaces were available, especially in remote areas. During the reporting period, one new school for 3,000 pupils was completed at Ein el-Hilweh to replace old dilapidated premises. In the 1990/91 academic year, the Agency's Siblin Training Centre provided 624 training places covering a total of 19 vocational, technical and semi-professional courses. The budget for the UNRWA education programme in Lebanon in 1991 was $10.5 million.

51. The UNRWA health programme in Lebanon is primarily community-health oriented and comprises curative and preventive medical care services, environmental health services in refugee camps and a nutrition and supplementary feeding service. When hospital care is required, it is provided through hospitals with which the Agency has contractual arrangements or by reimbursement of costs incurred in government hospitals. During the early part of the reporting period, UNRWA health services were disrupted in certain areas when heavy rounds of fighting prevented access of staff and refugees to health centres. Nevertheless, in spite of the prevailing conditions, some of the Agency's health programmes were improved through the installation of sewage systems and the rehabilitation of water supply systems that were exposed to damage during the various rounds of fighting in Dbayeh, Rashidieh, Ein el-Hilweh and Burj el-Barajneh camps. The budget for the health programme in Lebanon in 1991 was $5.6 million.

52. During the period under review, the regular UNRWA welfare programme provided assistance to more than 35,000 persons registered as special hardship cases, who are assured a minimum standard of nutrition, shelter and clothing and provided with cash grants in case of a particular family crisis. In addition, the shelter assistance programme to help refugees whose shelters were damaged or destroyed in the so-called "camp wars" was continued. During the reporting period, 353 shelters in Dbayeh and Shatila camps were repaired at a cost of $234,000. Over and above its regular relief programme, the budget for which in 1991 was $5.9 million, UNRWA implemented a programme of emergency measures in Lebanon, aimed at assisting those Palestinians most affected by the violence and economic instability. The largest single component in 1991 was $2 million worth of food commodities. The total emergency budget for 1991 was just over $6 million. The Agency continued its efforts to establish income-generating schemes. Self-support grants were given to 34 additional families, thus raising to 137 the number of families assisted in this manner. The first Agency-sponsored community centre for the disabled was to open in Nahr el-Bared camp, Tripoli during the coming year.

53. The total UNRWA budget for all regular and emergency services in Lebanon in 1991 is more than $31.5 million.

Office of the United Nations Disaster Relief Coordinator

54. During the reporting period UNDRO continued to implement three projects funded by the European Community (EEC) at a cost of $US 4 million. These were the rehabilitation of the domestic power and water supply networks and the procurement/installation of batteries for the Poste, Téléphone et Télégraphe (PTT) in greater Beirut. All three projects will be completed by the end of 1991.

55. UNDRO participated in the United Nations Inter-Agency Needs Assessment Mission of July 1991. It viewed and identified the country-wide rehabilitation of electricity, water and communications facilities as the main priorities for the Government for the immediate future.

56. As at 31 July 1991, the total value of emergency assistance reported to UNDRO in 1991 amounted to $US 2,066,000.

57. During the reporting period UNDRO issued three situation reports to keep donors informed. To facilitate the coordination of emergency relief assistance to Lebanon and to supervise its own programme, the UNDRO office at Beirut remained open and continued its activity through the Office of the Coordinator for United Nations Assistance for Reconstruction and Development in Lebanon. In November 1990 UNDRO organized an information meeting on Lebanon for the representatives of the Permanent Missions to the United Nations, United Nations agencies, and intergovernmental and non-governmental organizations at Geneva.

Office of the United Nations High Commissioner for Refugees

58. What can now hopefully be considered as a return to peace in Lebanon - in particular with the disarmament of militias - has obviously improved the situation of refugees in terms of their physical security. Their economic situation, however, remains extremely precarious. Moreover, numerous asylum-seekers who were able to enter the country during the absence of any authoritative civil administration are now obliged to justify their presence and activities. On the other hand, the aftermath of the Gulf war has resulted in the arrival in Lebanon of significant numbers of both Iraqi political refugees and third country nationals previously working in Iraq and Kuwait. Last available figures indicate a refugee population of 2,546 individuals (including 1,280 stateless persons from Middle East Christian minorities) and 600 Iraqis, mainly Kurds.

59. As in 1989, UNHCR assistance was mainly directed towards the most needy and destitute cases and included medical services, counselling, education and, to a lesser extent, resettlement. Activities continued to place emphasis on the promotion of durable solutions through naturalization and local integration of the refugees/stateless persons. The UNHCR annual programme amounted to some $US 568,000 and to $US 7,000 for the special programme, namely, education. As mentioned in previous years, the planned rehabilitation projects, including repair of a damaged warehouse at a college and the improvement of the building annex at the Islamic Hospital at Tripoli, have not been completed given the security situation. UNHCR has also been instrumental in the repatriation of "evacuees" from Iraq and Kuwait in coordination with the Internal Office of Migration (IOM).

World Food Programme

60. There is one WFP operational project in Lebanon entitled "Feeding programme for children and youths in institutions and for vulnerable groups in Maternity Child Health Care (MCH) Centres".

61. WFP assistance under this project is aimed at supporting the Government's efforts to assist people most seriously affected by the severe civil strife and the deteriorating economic situation. WFP commodities are provided in the form of cooked meals to 34,000 orphans, handicapped children, primary schoolchildren and old people in educational and social institutions and as a take-home ration to 20,000 mothers and pre-schoolchildren attending MCH centres. WFP food aid is used as a direct nutritional supplement to improve food intake of underprivileged and vulnerable groups. It also serves as a budgetary support to institutions and acts as an incentive for mothers and pre-schoolchildren to attend MCH centres.

International Labour Organisation

62. ILO rendered the following assistance to Lebanon during the period under review:

(a) The Interregional Tripartite Round Table on International Migration, was held at Bangkok from 11 to 12 December 1990 ($11,000). The sponsors invited the Tripartite Delegation from Lebanon to the round-table meeting which was convened to discuss the situation of migrant workers affected by the Gulf crisis and the possible ILO assistance in reintegration or re-employment of those migrant workers;

(b) The ILO Asia and Pacific Regional Symposium on Standards-Related Topics was held at Phuket, Thailand from 26 to 29 March 1991 ($4,000). The sponsors invited one official of the Ministry of Labour to the symposium, which was designed to provide a forum for consultation among the tripartite constituents to strengthen further their participation in the standards-setting process;

(c) The Exploratory Mission to the Dekwaneh Adult Training Centre was held from 19 to 23 April 1991 ($3,000). The sponsors reviewed with the Government and other concerned parties the steps needed to rehabilitate and reactivate the Dekwaneh Adult Training Centre at Beirut.

63. The total disbursement for the above-mentioned activities amounted to $18,000.

Food and Agriculture Organization of the United Nations

64. The current FAO programme in Lebanon is supported by three funding sources, namely: the FAO regular programme, Trust Funds and UNDP.

FAO regular programme

65. Four regular programme (Technical Cooperation Programme) projects are now operational: a study for the rehabilitation of irrigation in the coastal area of Jbeil (cost $US 121,000); the reinforcement of the operational and technical assistance capacity of the farmers of Tel Amara (cost $US 297,000); the urgent provision of potato seeds to the smallholders of the Bekaa Valley (cost $US 315,000); and the feability study for the rehabilitation of the silos of Beirut (cost $US 15,000). The ongoing Techinical Cooperation Programme (TCP) has a total cost of $US 748,000.

66. The Programme on Food Losses (PFL) project for the rehabilitation of the silo port of Beirut was approved in July 1991 at a value of $US 513,000 for provision of spare parts to rehabilitate the infrastructures.

67. The FAO Global Information and Early Warning System on Food and Agriculture (GIEWS) regularly monitors the crop and food supply situation in Lebanon. FAO assessments continue to be published in the System's monthly report, "Foodcrops and Shortages", in order, inter alia, to assist donor countries with decisions concerning the provision of food aid. Production of cereals in 1991 was slightly lower than in the previous year, but still above average. However, domestic production of cereals covers less than 10 per cent of total requirements. Following the cessation of the civil strife, the socio-economic situation has improved, but large sections of the population still need relief and rehabilitation assistance.

UNDP programme

68. Under UNDP funding, four projects have been completed recently. One is ongoing and two new projects were approved at the time of reporting. They total $US 2.5 million in value and include animal health, agricultural documentation, protected cultivation, olive production, seed production, rehabilitation of the Ministry of Agriculture and food control. All projects are executed by national directors and consultants under the supervision of the FAO Representative.

69. Other new projects are under review by UNDP following the recent United Nations Inter-Agency Mission.

Trust Funds

70. A Trust Fund project is being completed in the field of agricultural planning, with a total budget of $US 680,000. Another Trust Fund project is under finalization for the rehabilitation of the Ministry of Agriculture ($US 155,000). A third project, designed to assist small-scale farmers in their efforts to achieve satisfactory potato seed production levels, is under way with a budget of $US 150,000.

United Nations Educational, Scientific and Cultural Organization

71. In May 1991 UNESCO organized an intersectoral mission to evaluate basic requirements in education and in the area of cultural heritage. An ecology mission was deferred, at the request of the UNDP office at Beirut, until October 1991. In the meantime, UNESCO participated in the Inter-Agency Needs Assessment Mission.

72. The Director-General has decided that the staff of the Regional Office for Education in the Arab States, which had been transferred temporarily to Amman, should return to Beirut. The return of the staff will take place in April 1992, when the Director-General will make an official visit to Lebanon.

73. UNESCO made two emergency grants of $US 25,000, one to establish in-service training courses for school principals, the other to assist the Directorate-General of Antiquities.

74. In the field of education, proposals were drawn up for technical education and institutional reinforcement projects on which work will continue (estimated cost: $US 15,000), and a start was made on the implementation of a project for equipping secondary school laboratories (financed by the Islamic Development Bank: $US 10 million).

75. The Director-General and the Minister of Education of Lebanon met and agreed on a global programme of cooperation under which UNESCO and the Lebanese Government would work together for the reconstruction of the National Museum, the reactivation of the agreement on the International Centre for the Humanities and Development at Byblos, the creation of an institute of marine sciences, and the protection of historical and archaeological sites, including Tyre. UNESCO will at the same time strengthen cooperation with the Ministry of Education.

World Health Organization

76. WHO health and medical assistance to Lebanon has encompassed the provision of essential drugs and supplies as well as technical support in assessing local needs.

77. With particular regard to emergency medical assistance, WHO provided supplies valued at $US 104,000, to meet pressing surgical needs. These supplies were distributed to hospitals in the conflict-affected areas of East and West Beirut.

78. Technical support was also provided at the request of the Lebanese authorities, when a two-person mission was undertaken from 12 to 25 July 1990. Aimed at cooperating with the Ministry of Health and Social Affairs to assess the health needs in areas affected by armed conflict, this mission also provided the groundwork for an overall rehabilitation/reconstruction plan for the health infrastructure of the country.

79. A draft proposal was prepared and submitted to the Ministry of Health and Social Affairs on 25 September 1990, at a meeting with representation from organizations of the United Nations system and non-governmental organizations. The revised project document now strongly emphasizes primary health care, and includes specific consideration of tuberculosis control priorities as well as measures to ensure adequate drinking-water quality. The final rehabilitation/reconstruction plan for the health sector was approved by the Ministry of Health and Social Affairs in December 1990, after which the Lebanese Government requested the Director-General to seek support for its implementation. The approved plan was also submitted to Mr. Bettino Craxi, the Special Adviser to the United Nations Secretary-General for Problems of Development and on Strengthening Peace and Security.

80. 1990 was also the first year in which the WHO Regional Office for the Eastern Mediterranean undertook a joint programme review within Lebanon. Such in-country programming was not possible in previous bienniums because of security constraints. The 1990 Joint Programme Review Mission noted that progress had been made in the implementation of primary health care and in immunization coverage. During 1990, four fellowships were awarded for training in such areas as pharmaceutical quality, primary health care management and health statistics.

81. With regard to external resource mobilization during 1990, WHO established a voluntary fund for health and medical assistance to Lebanon. This fund is intended to support health reconstruction/rehabilitation efforts (once hostilities subside). At the time of preparation of the present report, $US 125,000 has been received from the Council for Arab Ministers of Health for this purpose.

United Nations Industrial Development Organization

82. Since United Nations security restrictions Phase V have been in force until very recently, UNIDO was unable to field staff members or experts to the country for purposes of technical cooperation during the reporting period. However, in its endeavour to assist the people of Lebanon, UNIDO has developed a training programme in the field of hazardous waste management to be organized for Lebanese officials outside the country. A project proposal in this respect amounting to approximately $US 100,000 has been sent in May 1991 to UNDP Beirut for endorsement. Upon receipt of its endorsement by UNDP Beirut, UNIDO will explore possibilities for its financing.

83. Furthermore, UNIDO formed part of the Inter-Agency Needs Assessment Mission to Lebanon. Depending on the findings of the mission, UNIDO hopes its future activities in the country will concentrate on the following four main areas:

(a) Rehabilitation and reconstruction programme for industrial facilities;

(b) High-level advisory assitance for the assessment and future development of the industrial sector;

(c) Human resources development and training industry;

(d) Strengthening local capacity for environmental management in relation to industry and for the rehabilitation of the ecology.

V. CONCLUSIONS

84. Lebanon, though united today, stands devastated and crippled after 16 years of conflict. A major initiative supported by the international community is required to rehabilitate the country and to address urgent human needs.

85. The Government has to accord high priority to the provision of social services, the rehabilitation of the infrastructure and the revitalization of the economy. Confidence in the economy has to be re-established and the key cornerstones of government policy must be human development and balanced economic development.

86. The creation of an economic and social environment propitious for national reconstruction requires a number of prerequisites, the most important being national security. The Government has made progress in establishing its authority over its territory and is moving towards achieving greater unity and political stability. It is working for peace and economic well-being. The timely assistance of the international community could provide the jump-start it needs to reach an enduring peace.

87. The country is in need of a technical assistance programme that is catalytic in nature and covers both the immediate and the medium-term needs of the country. In accordance with General Assembly resolution 45/225, the United Nations, as well as the entire international community, is called upon to give very careful consideration to providing strategic technical assistance in areas of maximum impact including telecommunications, electricity, water supply, housing, health services and other humanitarian and human developmental needs. By re-establishing economic and social stability and rehabilitating basic infrastructure and services, the Government of Lebanon could mobilize private Lebanese capital to assist in the reconstruction of the war-ravaged country. The Lebanese people are confident of their ability to rebuild their country, but an initial external investment is required to ignite the process of reconstruction.

88. The Secretary-General remains deeply committed to the implementation of General Assembly resolution 45/225. The Secretary-General calls upon the international community to provide financial support to the Secretary-General's Trust Fund for Lebanon to enable him to provide technical assistance for meeting urgent socio-economic programmes for the reconstruction and development process in Lebanon.

Notes

1/ Official Records of the General Assembly, Forty-sixth Session, Supplement No. 13 (A/46/13).

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REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Code of conduct on transnational corporations

Note by the Secretary-General

In its resolution 45/186 of 21 December 1991, the General Assembly decided to request its President, with the support of the Secretary-General, to arrange for intensive consultations aimed at achieving an early agreement on a code of conduct on transnational corporations, for presentation to and adoption by the Assembly at its forty-sixth session. The Secretary-General has the honour to submit to the Assembly the report of the President of the forty-fifth session of the General Assembly on the outcome of those consultations.

Consultations on the code of conduct on transnational corporations

Report by the President of the forty-fifth session of the General Assembly

1. The General Assembly, at its forty-fifth session, adopted resolution 45/186 requesting me, as President of the forty-fifth session of the General Assembly, with the support of the Secretary-General, to arrange for intensive consultations aimed at achieving an early agreement on a code of conduct on transnational corporations, for presentation to and adoption by the Assembly at its forty-sixth session.

2. Pursuant to that resolution, I conducted informal consultations from 22 to 26 April and on 24 and 25 June 1991 in New York; on 12 July 1991 at Geneva; and from 24 to 26 September 1991 in New York. In addition, on 25 July 1991, I wrote to all Ministers for Foreign Affairs of the States Members (and observers) of the United Nations requesting their personal attention to this endeavour in order to make sure that their delegations brought their utmost flexibility and political will to the consultations.

3. During those consultations, most delegations reiterated that the most recent version of the code contained in the annex to document E/1990/94 was acceptable to them. While not in total agreement with every paragraph in the code, they conceived it as a carefully balanced package worked out over years of negotiations, which they were ready to accept as the best achievable compromise among all members of the international community. Some delegations, however, indicated that they still had some difficulties with some provisions in the code that would need to be addressed in order to achieve consensus.

4. At the outset of the consultations, I offered certain specific proposals aimed at disposing of some lingering concerns of delegations without having to revert to the old procedure of dwelling on the detailed provisions of the text of the code. A new preamble was suggested that properly recognizes the role of transnational corporations and the potential contribution they can make to economic growth and development. This could help dispel doubts deriving from the perception of some delegations that the code could have the effect of stifling the activities of transnational corporations. In addition, I proposed some amendments to the provisions on the international machinery for follow up. These were meant to secure an effective, fair and reasonable follow-up system while dispelling doubts about the non-adjudicatory character of this process. While the majority of delegations confirmed that the proposals offered a constructive and realistic opportunity for agreement on the code as a whole, some delegations expressed the view that some provisions in the code did not meet their concerns.

5. At the June 1991 meeting, it was decided to set up an open-ended informal working group to discuss in detail the substantive issues and to make

suggestions for best disposing of them, in the light of the mandate given by the General Assembly. The working group decided to elaborate a consolidated list of issues that needed to be addressed during the consultations. To that end, it requested the Executive Director of the Centre on Transnational Corporations to invite delegations to communicate in writing the issues to be discussed.

6. A number of delegations replied to the Executive Director's request indicating specific aspects of the code that, in their view, required further attention. One delegation suggested that the thematic relevance of the code should also be discussed in the consultations. Most delegations, however, indicated, verbally or in writing, that they could adopt the code as it stands now. The Secretariat prepared a note summarizing the responses by delegations (attached as an appendix to the present report), and made the original replies available upon request.

7. During the last round of consultations in September 1991, some delegations elaborated upon the list of substantive issues. However, a number of delegations observed that, in the light of several important meetings that are scheduled in international cooperation - including, inter alia, the Uruguay Round negotiations, the United Nations Conference on Environment and Development (UNCED) and the eighth session of the United Nations Conference on Trade and Development - which could have a bearing on the code of conduct on transnational corporations, the consultations on the code should be postponed until the results of those meetings became known. Others expressed the view that the results of those international meetings would only affect a few provisions of the code and need not hold up the code negotiations.

8. Towards the end of the consultations, consensus emerged among delegations that further intergovernmental consultations on the code of conduct should be resumed in June-July 1992. In the interim period, the Secretariat should continue its activities relating to the code of conduct with a view to clarifying further the outstanding issues and reviewing and assessing developments relevant to these consultations.

APPENDIX

Code of conduct on transnational corporations: responses by delegations on the issues to be discussed in the next round of consultations

Note by the Secretariat

1. Pursuant to a plan outlined by the Chairman of the Ad Hoc Working Group during the June 1991 consultations, the Executive Director of the United Nations Centre on Transnational Corporations wrote to all Permanent Representatives of the Member countries of the United Nations in June 1991, inviting them to communicate in writing what issues needed to be discussed during the next round of code consultations. On 26 July 1991, the Executive Director wrote again to all delegations extending the deadline for replying until 20 August 1991. The following is a summary of the substantive problems expressed in the replies obtained so far.

Title

2. One delegation suggested that the title of the code could be changed to reflect the scope and contents of the code, which include many provisions stipulating the obligations of States. Thus, in reality, it is a code of conduct for relations between transnational corporations and States.

Preamble

3. Some delegations drew attention to the preamble of the code, which is yet to be drafted, and expressed interest in discussing the latest proposals made by the President of the General Assembly.

Activities of transnational corporations

4. One delegation noted that the code formulations should take into account developments in other current multilateral negotiations within the Uruguay Round that are likely to have an impact in the field of investment relations.

5. One delegation pointed out that the provisions on South Africa should now be reassessed in the light of recent developments.

6. One delegation observed that the provisions on non-interference in internal affairs of host countries and in intergovernmental relations should state the principle without further qualifications.

7. One delegation mentioned that the drafting of the provisions on corrupt practices needed improvement.

8. One delegation stressed that the negotiations should consider the negative effects of transnational corporation activities on the host countries.

9. One delegation suggested that the responsibilities of transnational corporations to host countries and the provisions regarding restrictive business practices should be given attention.

10. A few delegations mentioned the section on environmental protection. One delegation observed that the provision on environment (para. 41) should be limited to the duty to rehabilitate the environment when damaged.

11. A few delegations stressed the importance of the section on disclosure of information which should follow the practice adopted in the instruments of the International Labour Organisation. One delegation noted that the provisions on disclosure of information should state more precisely what information transnational corporations are expected to disclose.

Treatment of transnational corporations

12. One delegation mentioned generally the standard of treatment to be accorded to transnational corporations by host countries.

13. A few delegations expressed preference for the formulation of the principle of national treatment used in the previous draft of the code.

14. One delegation stressed the importance of safeguarding confidential business information.

15. A few delegations mentioned the issue of nationalization and compensation.

16. A few delegations raised the issue of transfer of payments.

17. One delegation noted the question of dispute settlement.

Follow-up

18. Some delegations stressed the significance of the follow-up machinery and expressed interest in discussing the proposals made by the President of the General Assembly. One delegation mentioned that the provision of paragraph 69 (a) on non-governmental participation in the code discussions, might be inconsistent with those of paragraphs 67 and 68.

19. Some delegations expressed frustration with the lack of progress in the code negotiations, and stressed that only a clear and decisive political will of delegations would make the adoption of the code possible.

20. Some other delegations shared some of the worries of the business community and stressed the need to achieve a satisfactory wording on a number of important issues before the code could be adopted.

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REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Code of conduct on transnational corporations

Note by the Secretary-General

Corrigendum

Page 1, paragraph 8

For the existing text, substitute

8. Towards the end of the consultations, consensus emerged among delegations that further intergovernmental consultations on the code of conduct should be resumed in June-July 1992. This could be pursued within the provisions of General Assembly resolution 45/186. In the interim period, the Secretariat should continue its activities relating to the code of conduct with a view to clarifying further the outstanding issues and reviewing and assessing developments relevant to these consultations.

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